been suppressed by the presence of a small force of cavalry and artillery.

At Bombay the Money market was easier. rate of interest had been reduced one per cent.

The Import market was less active owing to the holidays. Exports were steady. Freights had advanced. Exchange 2/21.

At Calcutta the Bank rate of interest was reduced 2 per cent. The Import market was very firm. Export were generally steady, but the demand for Indigo was rather less active. Exchange 2/21.

At Madras gray Shirting and made twist were in good demand. Other articles were less active. Exports were unchanged and freights were looking up. Exchange 2/21.

COMMERCIAL INTELLIGENCE.

LIVERPOOL COTTON MARKET.—The Brokers' Circular, which here date the evening of the 5th instant (the following day, Good Friday, being a holiday), reports the basiness of the five days at about 40,000 bales, of which speculators took 5,500 bales and exporters 4,500. Fair Orleans had declined it. P.B., and previous quotations for the lower descriptions were barely maintained. The sales on Thursday amounted to about 6,000 bales, the market closing quiet at the following quotations: Fair Orleans Sid., Middling 73d.; Fair Orleans Sid., Middling 73d. The stock in port was estimated at about 502,000 bales, of which 562,000 were American. VERPOOL COTTON MARKET .- The Brokers' Circ

MANCHESTER MARKET .- Trade in Manchester was Steady, and prices had undergone no material variation.

LIVERPOOL BREADSTUFFS MARKET. — Messrs. Rich-Ardson, Spence & Co. report a doil market for Flour, and quotations barely maintained. Western Cand, 27(6025); Baltimore and Philadelphia, 28; Ohio, 29;6. Wheat slow of sale, and tending downward. Red quoted at 7(6282; White, 8,6828,8. Gorn already at a decline of 6d. P quarter. Mixed selling at 29; Yellow, 31; and White at 22/23;.

The weather continued favorable for arrientural numbers.

LIVERPOOL PROVISION MARKET. - Messrs, Richard-LIVERPOOL PROVISION MARKET,

and the imports of new
being traffing, extreme prices were reluctantly paid for dealers'
being traffing, extreme prices were reluctantly paid for dealers'
being traffing, extreme prices were reluctantly paid for dealers'
to meet an office of the price of the pri

September 19 in 19

Passengers.

Mrs. White. Miss Gillespie and servant. Mrs. Dixon, Mrs. Billespie. Mr. Fisher, Capt. Doherty, Mr. Beaman and Isdy, Mrs. Schooled, the Rev. Mr. Green, Miss Ryan, Capt. Tohin, he Rev. Mr. Duckett, Mr. Lyon, Isdy and two chiddren, Mr. Icodiman and Isdy, Mrs. Cortis, Miss Adams, Mrs. Campbell, fr. Adams, Isdy and child, Mr. Gordon and Isdy, Mrs. Curtis, Gressrs. Smith, Norris, Tonke, White, Dixon, Gillespie, Fisher, Isay, Kelly, Gilkey, Hogeler, Mathewson, Whitell, Beartie, Isay, Kelly, Gilkey, Hogeler, Mathewson, Whitell, Beartie, Isay, Rossell, Sinclair, Sheham, Beram, Sayagose, Harrien, Avangols, Forr, Sumbam, Bram, Vosada, Towett, Crawford, 19, Fraxer, Teto, Morgan, Laurens, Rowland, Gray, Glover, cott, Burs, Haskins, Kemp, Jenkins, Connor, Martin, Shuffer, rinton, Scoolfield, Gridon, Tell, Kenny, Ramsay, Duckett, yon, Chainery, Commis, Plinet, Buer, Hutchinson, Curtis, Ior, Blais, Williams, Stevenson, John Brookey Clapman and W. Kield. rom Halliax for Boston-The Hon. B. M. Archibald, lady and

ANOTHER RAT-POISON VICTIM.

Special Dispatch to The N. Y. Tribune.

DANVILLE, Pa., Friday, April 24, 1857. The Hon. John G. Montgomery, Congressman elect from Twelfth District, Pennsylvania, died this morning from National Hotel disease contracted during the inauguration at Washington.

FROM WASHINGTON,
WASHINGTON, April 24, 1857.
The Departments have acted in nearly all cases
where the commissions of Federal officers have ex-

pired.

Although the rotation principle is not intended to be applied to the minor offices, and removals are to be made only for cause—as so declared—the Departments continue to be overwheimed with applications—the Post-Office especially. At this five hundred letters at least a week, with documents inclosed, are received, distinct an advanced.

The charges against Mr. Izard, Governor of Nebraska, having been withdrawn he will be removed, on the ground of public expediency. It is probable that his successor will be chosen from a non-slave

ident was serenaded by the Marine Band last night on the occasion of the 66th anniversary of

John G. Montgomery, Congressman elect The Han John G. Montgomeyl Ania, died this morning at Date ille, Pa., from the National Hotel disease, contracted during the inauguration at Washington.

The Governorship of Utah has been tendered Major Ben McCulloch, and it is believed that he will accept the appointment. A letter is now on its way to him requesting his presence in Washington. The design of the Administration is to pursue a peaceful policy towards Utah, in order that the laws may be executed and the rights of every inhabitant in the Territory protected without recourse to arms.

The Postmaster-General has concluded a contract with the Ponama Railroad Company to convey the mails across the Isthmus until the expiration of the present contracts with the Steamship Companies, two years hence. The rate is \$100,000 per annum.

LATER FROM HAVANA.

The steamship Cahawba has arrived here with Havana dates to the 20th inst. She reports encountering a heavy westerly gale on the 13th, and falling in with the bark Warner, from New-York, off Hatteras, on the morning of the 15th entirely abandoned; sent her in charge of a mate to New-York.

stock of sugar at Havana and Matanzas was

The stock of sugar at Havana and Matanzas was 242,000 boxes. The market was unsettled, but prices had advanced one real.

The Saratoga left Havana on the 19th inst. for Key West. The officers and crew were all well.

Col. Oxnard, the late defaulting Exchange Broker of this city, was ordered by the Captain General to leave the Island, and a package of \$13,000 had been taken from him.

TRANSATLANTIC TELEGRAPH COMPANY.

TRANSATLANTIC TELEGRAPH COMPANY.
HALIFAX, Frislay, April 24, 1857.
The Provincial Parliament has just passed a bill
which concedes to the Atlantic Telegraph Company
the exclusive right for fifty years to land upon the
shores of this Province submarine telegraph cables.
We understand that bills of similar import have also
passed the Legislatures of New Brunswick and Maine.
Among the passengers by the America, from Live

We understand that bills of similar import have also passed the Legislatures of New Brunswick and Maine.

Among the passengers by the America, from Liverpool, last evening, was Cyrus W. Field, esq., of New-York, the energetic general manager of the Atlantic Tilgraph Company, who returns after a brief visit to Europe, fully restored to health.

A CASE OF STABBING.

PROVIDENCE, R. 1., Friday, April 24, 1857.

John R. Balch, the Treasurer of the Providence and Worcester Railroad Company, was severely, and it is feared fatatally, stabbed by a colored man named Barnes, who was intoxicated.

BURNING OF A WORKSHOP.

BALTIMORE, Friday, April 24, 1857.

BURNING OF A WORKSHOP.

BALTINGE, Friday, April 24, 1857.

A fire in the Maryland Penitentiary last night destroyed one of the workshops and a quantity of machinery. The loss is about \$20,000. None of the prisoners escaped, though it was evidently planned by some of them with that view.

TELEGRAPHIC CABLES.—The crossing of the North River has always been among the most expensive and serious difficulties in maintaining uninterrupted communication over the wires between this city and Philsdelphis, and not less than \$50,000 to \$75,000 have been expended by the different companies in the erection of masts near Forts Washington and Lee for the purpose of swinging the wires across the river, a stretch of about one mile, but all attempts of this kind to keep up a regular communication with the Jersey shore, have failed. Within the last year or two the House Company have Inid down a substantial submarine cable between Forts Washington and Lee, which has worked very successfully, and we now learn that Mr. Heiss, the obliging and excellent manager of the Magnetic Company's lines has just laid down two large and very fine cables from the foot of Thirteenth street to the Jersey shore, which is thought been expended by the different companies in the erec-

to be a much better point for crossing the river than at the Forts further up. Each of the cables contains three conducting wires, and, although very heavy, the cables were laid by Mr. Heiss, without difficulty or accident of any kind.

THE POLICE CONTEST.

ARGUMENTS CLOSED IN THE MATTER OF

THE INJUNCTION. The interest felt in the result of the pending controversy in relation to which of the two contending Beards of Police Commissioners shall in the future centrol the Police Department of this city, was manifest by the large attendance of citizens yesterday afternoon in the proceedings now pending before Judge Davies of the Supreme Court. The General Term reem was crowded to excess, all the available space being occupied. Mayor Wood and Simeon Draperthe contestant parties-were seated by one another and were frequently engaged in lively and pleasant conversation. Attorney-General Cushing was also present. In behalf of the plaintiff, Charles O'Conor. ex-Judge Edmonds and Richard Busteed, Corporation Counsel, appeared as counsel; the defendants were represented by Wm. M. Evarts, David Dudley Field, Francis B. Cutting, William Curtis Noyes and A. Oakey Hall.

After Judge Davies took his seat, Judge Edmonds

After Judge Davies took his seat, Judge Edmonds submitted the following points to the Court:

I. It is competent for this Court to interfere by injunction, and its power is founded upon this simple elementary principle, that the power of the Court to apply the remedy is coextensive with its jurisdiction over the subject matter. 4 Kent's Com., Sec. 58, Kershaw vs. Thomson, 4 I. C. R., 609—2 Story, Eg. I., 8, 959, b. and note.

II. Where a statute is in violation of the Constitu-

II. Where a statute is in violation of the Constitu-H. Where a statute is in violation of the Constitution it is in the power, and is the duty of the Court, to pronounce it void, and redress an act already done, or prevent a contemplated one, as the nature of the case may require. Kent's Com., 448, 453, Taylor vs. Porter; 4 Hill, 144, Newell vs. The People; 3 Seldon, 97, 99, 169, 119; 1 Story on the Const. Ch. 4, Cowles vs. Davies; 3 Kernam, 360, Wynchamer vs. People; 1b. 386

111. The act in question is in violation of the Consti-

III. The act in question is in violation of the Constitution, and veid.

1. The whole scape and purpose of the Constitution in this respect, is to decentralize power and scatter it abroad over the State, viz:

A. The Senators once chosen in 4 or 8 districts, are scattered into 32 districts.

B. The Assemblymen are elected in single districts, and not in counties, by twos and tens, and the like.

C. The State officers are chosen by the whole people, and not appointed by the Governor or Legislature at the seat of Government.

D. Legislative powers are taken from the same center and conferred on County Boards of Supervisors.

E. Even the Judiciary is divided into 8 provincial Supreme Courts, instead of one central Court.

F. And much of the appointing power once belonging to the Council of Appointment or the Governor and Senate, is now diffused by general election throughout the State, or in different divisions of it.

and Scrate, is now diffused by general election throughout the State, or in different divisions of it.

2. In execution of this general purpose provision was made for county and city efficers, that they should derive their appointment from the local power.

The Constitution, article 10, section 2, provides that such appointment shall be either by the electors, or the authorities of the city or county.

3. But this act provides that all the police force of this city shall derive their office not from any local city or county authority, but from the central power of the State.

4. This is claimed to be justified on the ground that the statute provides for a larger territory than any county or city limits, and for such territory formed into a district, creates a new office; thus briuging it within the last clause of that section, "that all officers" whose offices may be hereafter created by law shall be elected or appointed as the Legislature may "direct."

To this I answer: To this I answer:

1. It is not a new office. There are now in this city, under the present law, a Board of Police Commissioners; a Chief of Police; Captains, Assistant-Captains, Sergeants, policemen and doormen; station-houses; duties defined; compensation provided; provision for appointments and removals and general superintendence.

perintendence.

In all this both systems are the same, so far as this city is concerned. The powers and duties, and even the names are the same.

2. In all this there it nothing new except the extendence of the content of the conte

sion of the same system over a larger territory.

If the Legislature can avoid section 2 of article 10 by providing new districts, then these things must fol-

1. It cannot matter how much territory is included

in the new district, a few feet will be as good as so many acres or noises.

2. Then by mingling New-York and Brooklyn to-2. Then by minging New-Fork and Brooklyh together and making one President for the two or six
for the two, the power of selecting the Mayora may
be taken from the people and given to the Governor.

3. So the Justices, civil or police, may be this appointed and not elected.

4. So the Sheriff's clerks, Surrogates and District
Attorneys may be thus amounted by the Governor by

4. So the Sherill's clerks, Sulfogates and District Atterneys may be thus appointed by the Governor by barely joining two counties, or even parts of them, only so that there is embraced in the district something more than the territory of one county, be it ever so

little or so much.

5. In fine, all that would be required would be to district with the same name and the same powers, and then they could be appointed by the Governor and not in the territory or district.

6. The statute is also unconstitutional and void, be-

6. The statute is also unconstitutional and void, because it appropriates private property to public use without just compensation.

Section 15 gives to the use of the new Board all the public police property, &c., now in the possession of the Police Department of the city.

The provision in that section as to ownership, &c., though it may leave the fee in the city, yet appropriates the possession to the purposes of this statute and that possession is property and cannot be taken without compensation. Mr. Field then addressed the Court in behalf of the defense. Without discussing the question of the constitutionality of the act, he denied that the Court had any authority or jurisdiction to interfere in the matter in the granting of a preliminary or final injunction. The powers of the Court in granting injunctions were defined in the 219th section of the Code, and as restricted there, had never been enlarged. The doctrines as there laid down now prevailed in the Courts. I Abbot's Reports, 81, Chemical Bank vs. Mayor of New-York.) According to the law, as it exists in this country and England, such a thing as a suit in equity, brought by a private individual, to get an act of the Legislature declared unconstitutional, or to enjoin its execution, had never been known. A Court had jurisdiction of an action when it had jurisdiction of the parties or of the subject. The subject in this case was a relief demanded, and the relief demanded was that the Court declare an act of the Legislature unconstitutional and void, and that an order issue enjoining persons holding authority under the Executive from executing the law. The whole right to judge of the constitutionality of an act of a Legislature was incidental to pronouncing judgment upon some cause before the Court. It could not come up direct; it sever had been, and never could in any Government having due subordination. (Marbury agt. Mattison, I Cranch.) The plaintiff asked also an injunction to prevent the execution of the law. Viscouncivable that the Legislature whose laws this time of the court whose laws this any authority or jurisdiction to interfere in the matter sgt. Mattison, I Cranch.) The plaintiff asked also an injunction to prevent the execution of the law. Was it conceivable that the Legislature whose laws this Court administered would have itself so power-less as that any Judge in the country might issue a general mandate prohibiting the very laws which they had passed? Here was a case where a citizen of a country had come into Court and announced that one branch of the Government had transcended its powers. Was it to be said that they had given this Court power to enjoin their own acts? They have the control over the Jadiciary in various ways, and they could do away with this Court to-morrow if they chose. If it be true that the Court could grant an injunction against these gentlemen, it could grant an injunction to prevent the Governor from signing his injunction against these general recommendations injunction to prevent the Governor from signing his name to the bill or prevent the Senate from confirming the appointments he had made. But the Court had no jurisdiction in this matter for another reason, but the significant principle that sifting as a Judge had no jurisdiction in this matter for another reason. It was a universal principle that, sitting as a Judge in equity, a Court could only judge where the right to an injunction is incidental to the question of property. (1 Milne and Craig, 171, Attorney-General agt, The Mayor of Liverpool; 4 Milne and Craig, 249, Rewon agt, Lewis, and 9 Wheaton, 738, Bank of the United States agt, Osborne.) He denied that the Court had any intradiction to sit in the case in

substance an action to try the title to an office. But when had a Court ever got power to do that by such a suit? He had emposed the law on that subject was perfectly well settled—that the only way to try title to an office was by an action in the nature of a quescronto. (Code, Sec. 432.) The Attorney-General was aware of this fact when he refused an act of quescronto. Put supposing this Court could acf in this law, the question arose: Was this plaintiff in a situation to demand the exercise of that power? The state of the law was this: the right of a taxpayer as a beneficiary or cestus que trust against a corporation for an ficiary or cesting the right of a tappayer as a bene-ficiary or cesting the trust against a corporation for an alleged breach of trust is 'limited. Christer & Tilden agt. The Mayor of New-York, 13 Barbour, 567. Debaun Case, 16 Barbour, 392.) In what other capacity could this plaintiff sue? He could not sue as one of the Board of Police Commiscould not sue as one of the Board of Police Commissioners without the concurrence of the other members of the Board, unless he recited in his complaint that they had refused to concur, and by that making them defendants. As Mayor of the city he certainly had no right to sue. But whatever might be the result of this suit, the injunction could not restore the old Commission; that was gone irrecoverably, and if this injunction was perpetuated, legal anarchy would exist; no human being would have a right to command a policeman except as any Judge who was by law a conservator of the peace; they would be like an army without a general. By the Charter recently passed by the Legislature, the Charters of 1839, 1819, 1853, and all acts supplementary to them, were repeated. And the day on which that Charter goes into effect, there can be no legally constituted tribunal to investigate charges against members of the Police Department, and to control them, if it be not the newly-constituted Board now sought to be enjoined as the present Board of Police Commissioners derive their authority from the Charters that have been repeated.

Mr. Cutting followed in a lengthy argument, in

which he quoted various authorities bearing upon the case. On th point of the right of the Court to have jurisdiction in the matter, he quoted the following language frem an opinion of Judge Mitchell of the Supreme Court Thompson vs. The Commissioners of the Canal Fund, 2 Abbatt's Practice Reports, 248:

"An injunction when allowable may be granted by any Judge of the Court in which the action is brought, or by a Courty Judge; it could not be the intention of the law that whenever any single Judge of the Supreme Court or any Courty Judge should deem a law unconstitutional he, should, by injunction, prevent the officers from acting under it."

Mr. Cutting also cited a recent case in Boston where this constraint of the court of the Supreme Court of

should doe me also unconstitutional he, should, by injunction, prevent the officers from acting under it."

Mr. Cutting also cited a recent case in Boston where this question came regularly before the Supreme Court of Massachusetts to test the jurisdiction of the Commissioners of Insolvency, an elective Board which was superseded by a Court of Insolvency created by act of the Legislature, in which case Chief Justice Shaw delivered the opinion of the Court. He regarded this case as precisely analogous to the one now before the Court. In the opinion, which is very elaborate, the Court uses the following language:

"It the object is to establish a new jurisdiction or a new arrangement of existing powers, and when such officers do not fall within a class specified in the Constitution by a definite description, it is competent for the Legislature to provide a mode in which such officer shall be elected or appointed, although the effect and operation may be to transfer powers from officers elected under the provisions of the Constitution to the class to be thus newly appointed." (Case of Dearborn vs. Ames.) Mr. Cutting also referred to the case of Satterly vs. Matteson, 380, and also the case of Newel vs. The People, 3 Selden, 109, the opinion being rendered in that case by Judge Edmonds, from which the principle that the task of determining that a law is void by reason of its repugnancy to the Constitution is at all times one of extreme delicacy, that it is only it express constitutional provisions, limiting legislative meaning that the language of the constitution, we have nothing legislative machiner than the Legislature is to be pronounced to may transcended its powers (Fletcher vs. Peck, 6 Cranch, 123); that it is only it express constitutional provisions, limiting legislative machiner than the meaning of the instrument which ending the own which the meaning or contracting its import, the only sound principle being to declare its leg scripts are, to follow and to oney (People vs. Morrell, 21 Wend., 384); that th

Judge Edmonds thanked Mr. Cutting for citing the page. He should have done so the day previous, but modesty would not permit him.

Mr. O'Conor then argued the case for the plaintiff. modesty would not permit him.

Mr. O'Conor then argued the case for the plaintiff.
Under any circumstances he considered the case of importance, but, as a precedent, it was one of still greater weight. We agree (said he) that there is no danger of any disturbance of the peace, order and harmonious and vigilant action of all that part of the Government covered by the present Police in consequence of anything you may do by way of restraining the action of this newly-created hody called the Metropolitan Police Commission. Ten years have slapsed since the people, in their sovereign capacity, established the Constitution which, as we view it, as we think it will be viewed by your Honor, gave the patronage which is to be disposed of under this bill exclusively to the people of the civil divisions of the State created at that time. We have found out at this short distance a Legislature seized with the desire of drawing to itself the whole of this patronage and adopting a series of measures all tending to the manifest overthrow of the provisions of the Constitution, and under circumstances showing a most plan attempt to do so. I did not pretend that the intention of the Legislature is at all material to the decision to be given by your Honor. I did not pretend that a Legislature having passed, from the most corrupt motives and to gain the most iniquitous onds, an act that on that account it was to be reviewed or corrupt moutes and again it was to be reviewed or repealed in any court of justice, or its validity at all to be questioned by any authority in the land. But, if it shall appear that there was an intent upon the to be questioned by any authority in the land. But, if it shall appear that there was an intent upon the part of the Legislature to act in violation of its known duty, a Court certainly will be fully justified in entertaining with more readiness and examining with more care the validity of its acts and their conformity to the great charter under which the Legislature professes an intention to act. Here, again, I at once repudiate the idea that the Court ought to act in a preliminary injunction in a doubtful case. The reason why we call upon this Court to act is because the case is in no degree doubtful, and that Judge, be he who he may, who would give an opinion, in our judgment at least, that this act was not a manifest and patipable violation of the Constitution, would subject himself to severe criticism of all sound scholars and cound jurists. It is not a question involved in doubt; it is clear beyond a peradventure. It is not a question dependent upon mere inference—it is as palpable as that the great luminary is the cause of day. We have said, indeed, that it is against the spirit of the Constitution, and upon the strength of that our adversaries have said we don't claim it was against the letter of the Constitution; and we will show it is against the letter of the Constitution; the constitution it is against the letter of the Constitution. have said we don't claim it was against the leftter of the Constitution at the same time that it is against
the whole spirit of the Constitution. It is written in
the Constitution that all city officers shall be elected
by the people of the city of by some local authority
therein. The history of the State which records this
fact shows that the politicians who got up this Metropolitan Police bill brought it before the Legislature with
all the essential features that it now possesses making it
applicable simply and singly to the City of New-York.
It further appears that it was referred to a high officer
to say whether that act, as it stood, could be adopted
and carried into execution consistently with the law of
the State of New-York. That officer gave an opinion
to the Legislature—gave it as his opinion that it was
in violation of the Constitution, which required that all
officers of cities should be elected by the people thereof, or appointed by some authority elected by the people thereof. There being this difficulty in the way,
the name of the Metropolitan Police was invented in
order to whip around the Constitution. That bill
takes the Police systems of New-York and Brooklyn
as they were, merely changing the names of some of takes the Police systems of New-York and Brooklyn as they were, merely changing the names of some of its officers, but leaving the machinery as it stands now. But in making the payments of the Police, the Legislature have been forced to respect the county lines—to keep up separate assessments in assessing taxes for the pay of the Police. This scheme took into the State Treasury a large amount of local taxation. The money to be paid to the Police had to go into the State Treasury and be disbursed by this body. It amounts in this city this year to one million dollars. Thus you perceive that the State—the Central Government—draws to itself the whole of this patronage. This is the contrivance, and the question is whether this is not a plain, manifest overturning of fundamental law, so plain that any man whose eyes are not blinded by intrivance, and the question is whether this is not a plain, manifest overturning of fundamental law, so plain that any man whose eyes are not blinded by interest or passion can see it. This is the character of this law. The Constitution does not descend into details, but it lays down the leading principles, and those are to be observed. To have them observed, it makes the three departments independent of one another, the Judicial Executive and Legislative. These are intended to be a check upon one another. It is the office of the Judiciary to check the carrying out of a legislative enactment that is unconstitutional. To be sure, they could not enjoin the Governor, yet they could enjoin his servants, as had been decided in the case of Kendallagt. Stokes, 30 Howard's Reports. I was asked if I could find an express negative to this matter. There is none except they may be in some portions of the Bill of Rights. What is to be gathered is to be got from affirmative statements of the Constitution. If

The police has always been local. But by this, all four counties may be put into one district, and the payments can be done through the medium of the central Government. Why can they not erect a road, central Government. Why can they not erect a road, street and avenue distinct to-morrow, embracing four counties; why can they not do so with lamps? Why may they not be transferred to this body? What then becomes of the Mayor? Give him another name and he can be appointed by this central power. The Court of Common Pleas and Superior Courts, being inferior contraction in cities would be taken from the peohe can be appointed by this central power. The Court
of Commen Pleas and Superior Courts, being inferior
courts erected in cities, would be taken from the people, and could be appointed by this central power.
In fact, any part of our local Government could be
annihilated by the next Legislature, if you trample
upon the fundamental principle of our Government.
The Constitution recognizes all the civil divisions to
which I have alluded for the purpose of government.
There is no negative to a proposition to erect the courts
of the cities of New-York and Brooklyn into an independent court coordinate with the highest court in this
State; but if the Legislature can pass a Metropolitan
Police bill, it can pass such a bill creating courts.
The Legislature have dealt with the subject in general, and have recognized the civil divisions of the
State evidently believing that they would be perpetunl. I have said the people of a country are the
original sources of appointing-power of all officers in
the country. That is the intention of the 10th section
of the Constitution.

Judge Daviez—The excise law passed confers upon
three judges the duty of Commissioners of Excise.

Mr. O Conor—The are already elected by the people of the county. The Convention which framed the
Constitution drew up an address signed by its officers.
In that statement it says:

In these fourteen sticles they have reorganized the Legisla-

In that sintement it says:

"In these fourteen sticles they have reorganized the Legislature, established more limited districts for the election of memors of that body, and wholly separated it from the exercise of puties power.

"The most important State officers have been made electively by the people of the State, and most of the officers of cities towns and counties are made elective by the voters of the locality they serve.

"They have abolished a bost of useless officers.
"They have sought at once to reduce and decentralize the

They have abolished a bost of useless officers.

"They have sought at once to reduce and decentralize the patronage of the Executive Government."

If the officers of a county or town are not elected in the county or town, they cease to be the county or town officers. If it is a law that all county or city officers are to be elected in the county, town or city, then the Constitution has no force whatever, as any Legislature might repeal that law and thus make the whole second sections dead lotter. He did not dear whole second section a dead lotter. He did not deny that the officers of counties, towns, cities, &c., may be abolished, but he contended that all those officers

that the efficers of counties, towns, cities, &c., may be abolished, but he contended that all those officers must certainly be elected in the locality in which they were to act. He cited the case of the making of a new township—the Township of Charlestown, in Massachusetts—which was not recognized by their Constitution, which was decided to be unconstitutional. This was a similar act, for the object of creating an anomalous set of officers, which is incompatible with the Constitution. He could not be expected to find negative language upon this point—there never was negative language in a Constitution.

In the case of the Broadway Railroad, where there was an attempt of the Corporation to dispose of that which was public property, and which would diminish the income of the public and make a consequent increase of taxes, it was decided that the taxpayer was entitled to an injunction and the injunction was allowed against the contractors. The right of Mr. Fernando Wood to come here on the ground of being a taxpayer seems to be sustained by good authority in this Court. If this law has any validity the Chief of Police has been stripped of none of his powers, his name is only changed. He can go on until the matter is brought before the Court of Appeals. The general rule is that before a new officer can come in the old efficer must yield his place or it must be recovered by protest. The poice are bound to, and are justified in obeying the Chief of Police as much as if this act had never been passed. Why was there need of such haste as they have manifested, which has endangered the peace of community. Everything in the concection of this act, and everything connected with it show that they are worthy of the superintendence rather than the superintendency of the police. All the police laws are left in full force. The Legislature of the State of New-York had passed a new law for the regulation of the police, vet they had not declared the old laws repealed. They had only declared the old laws repealed. They had only de only declared that it should give way to the new act. They had not declared that if the new act could not be carried into effect the old law should not be allowed to be in force. They should do nothing to prevent the other party from doing what they pleased outside of the water which surrounded this island. He hoped his Henor would consider the form of any modification of the injunction which might be made.

The Court adjourned until 10 columns. The Court adjourned until 10 o'clock to-day.

THE BROOKLYN POLICE.

To the Editor of The N. Y. Tribune. SIR: I see in one of your cotemporaries of this morn Sir: I see in one of your cotemporaries of this morning that I am represented as not recognizing the powers conferred upon the Metropolitan Police Commission by the recent, act of the Legislature, and that the Brooklyn Police will continue to receive their pay in defiance of said act. Allow me to say that, as an officer under the laws, I respect the laws, and shall not pass for payment the accounts of any of the Police from the day the Commission was organized, until the Courts shall have settled the question of the constitutionality of the new law.

tutionality of the new law.
(Copy.)

Auditor of City of Brooklyn

Auditor's Office, City Hall, Brooklyn, April 24, 1857. THE TRIAL TRIP OF THE NIAGARA.

About 6 o'clock last evening the United States steam-frigate Ningara, Capt. Hudson, reached the light-ship, on her return from her trial-trip, and landed Mr. Martin, the United States Chief Engineer, and Mr. port on Wednesday afternoon, and during her absence her engines have worked well. Mr. Everett, her Chief Engineer, has, we understand, expressed himself entirely satisfied with their performance, and Mr. Martin will report to the Navy Department that her engines are safe and perfect. The Niagara, we understand, stood out to sea again last night for London, where she will receive her share of the telegraph cable. That the good ship will give a good account of herself we feel fully assured. The following is the Engineer's

Average abstract of the United States steam-frigate Niagara'

Reported strain	at 1:00, go	c unuer	any ne e	The second second
22, 1857.	No. of revo-	Pressure	Av. No.	Pounds of
Time	. lutions per	of	knots per	coal con'd
Watches hours			hour.	per hour.
3 to 6		19.6	8	3,180
6 to 93		18.3	8	1.180
		15.6	9	1.920
9 to midnight 3		15.3		2.100
23d, midn't to 44		14		2.940
4 to 8	29.6	15		3.120
8 to meridian4	34,37	11.7	10	3.360
Meridian to 44			11	3.120
4 to 74	35.2	15.2	1.6	3.960
8 to midnight 4	33.3	16.7		3,300
24th, mid't to 4 4	31.17	12.7	7	3.990
4 to 84	32.9	14	8	3,600
8 to meridian 4	34.8	15.5	19	
Meridian to 44	36.6	15.5	19.5	4,986
		A COMPANY OF THE PARK OF THE P		

April 22—From 3 o'clock to midnight no sail set; strong curvature and heavy head sea against the ship; engines perform well.

April 23—From midnight to 10 o'clock a.m. under steam lone; engines working well; 10 a.m. all sail set; 2:45 took in udding sails; 3 p.m. carried away mizzeutop gallant mast; 1 m. took in all sail.

April 24—Midnight to 4 s. m. strong head wind and moderate a; from 4 to meridian light head wind, smooth sea; engines critical well; sent down royal yards; at 7 o'clock stopped the gine east of the light-ship.

From another source we have a season

From another source we have received the following ABSTRACT OF THE LOG:

April 22, 4:15 p. m .- Got under way from our anchor fovernor I land.
6 p. m.-Off Sandy Hook Lights, making 20 knots in 2:05, agine making from The translation of the contract of excellently; no vibration can be perceived in the enginers about the ship.

or about the ship.

April 23, 5 a.m.—We have been running under steam al aight, at an average speed of 7, 4 knots, with a consumption on tun of owal an hour. The engine has averaged 19 revolutions per minute; standing to the S. E.; weather fine and ship terror steady. ndy.

m.—Making an average of 30 revolutions, speed the first foresail, fore and main topsails, topgallantsails, jib

very steady.

9:30 a m.—Making an average of 30 revolutions, speed the same. Set forceasil, force and main topsails, topgaliantsails, jib and spanker.

10 a m.—Under sail and steam; 36 revolutions, 11 knots, 16:30—36 pervolutions; at 11:30, set mainsail and force and main staysails, 36 revolutions of entire, and wind very light and staysails, 36 revolutions of entire, and wind very light person of the main staysails, 36 revolutions of entire, and wind very light person of the set of the set

ective spar.

5 p. m. - Under steam 32 revolutions, and 115 knots per ho
8 p. m. - Knots 5 p. m.—Under steam 32 revolutions, and 114 knots per hour.
8 p. m.—Furled sails, counterbalanced the yaxds, and stood to the northward and westward under steam. Average revolutions 321; speed 7 knots up to 8 s. m. 24th inst.; steam, 15 the per luch. From 8 s. m. to meridian 8, 4 knots, with an average of 35 revolutions.
1.30 p. m.—41 revolutions, 10.4 knots.
1.30 p. m.—42 revolutions, 10.2 knots, with a smooth sea and wind shead.
3 p. m.—Highlands of Navesink in sight; speed 10 knots.

The m.—15 revolutions for a steam of the ship and her

Everybody agrees that so far as the ship and he ngines have been tried, they bid fair to realize the high anticipations which have been formed of them. It is generally understood that she will put to sea for

AMERICAN DESTINY AND GRANDEUR. SPEECH OF GEN CALEB CUSHING. On his Reception at Newburyport on Thursday last.

Gen. Caleb Cushing was received with feetive bonors by the citizens of Newburyport, Mass., on occasion of his retirement to private life, after the toils and honors of Mr. Pierce's Cabinet. Speeches and music welcomed him home, and on rising to reply, he was greeted with long-continued cheering, and the band saluted him with a strain of " Hail to the Chief." When the applause had subsided, Mr. Cushing proceeded:

sided, Mr. Cushing proceeded:

Mr. President, and Mr. Chairman of the Committee of Keeption: I feel overwhelmed with the sense of the confidence that you have respectively been pleased to express in my humble public services. I know that whatever I am, whatever I may be capable of becoming, to you, to my fellow-citizens here, is due the testimental of my cordial, my unchanging, my deepest expression of gratitude. I would gladly close my ears to those over-kind manifestations of your regard, but that I feel that the sentiments you express, and the sympathy you are pleased to manifest in me, are your preperty. You have a right to say it, and I humbly accept your wishes that I may prove capable of properly responding in such of life as God may vouch-safe to me, for the confidence and regard which, through you, has been expressed by my fellow-citizens of the City of Newburyport.

Fellow-citizens, I greet you, one and all, with emetions of heartfelt and sincere affection and respect. You have willed that my return bither, after an absence of four years of political functions, should be public, in the assembled people's presence, and it was your right so to determine: for you have been to me, through successive stages of a not uneventful life, well-wishers always, candid judges of opinion and of action even where we differed, and zealous friends in many a crisis of popular commotion and contention: in a word, the kind home-companions of my childhood,

even where we differed, and zeahous triends in many a crisis of popular commotion and contention; in a word, the kind home-companions of my childhood, youthhood and manhood. Invitation from you has the double force of command to be obeyed in duitiel gratitude, and of summons to the enjoyment of exquisite gratification. I now, therefore, appear among you to reciprocate your friendly salutations, to renew suspended associations, and thus again to become a resident citizen of Newburyport (Great applause).

Standing here, on this familiar spot, with all these well-known faces before me, and in the sight of old homestend objects, it seems to me that our natal earth is a part of our intellectual and moral being; that though we be not visibly attached to it, still the roots of our hearts penetrate unseen down deep into it, and thus, even while far away, we continue, like the fast oak itself, to draw nourishment and vigor from the same fresh breezes, and bright skies, and fair hill-sides, and clear streams, where life began; and that, roam over the world as we will, mysterious ties of birthplace remain strong upon us—tendencies of local attraction as fixed as in the loadstone—instincts of reminiscences which carry back to early scenes the mounting spirit, as irresistibly, as unerrugly, as the carrier pigeon flies over land and sea to its lost home. One feels this, in whatever distant countries a truant tempter may place him; he feels it still more, when, as now, after long absence, he comes to retread the paths of youth, and to bathe anew, as it were, in the sun just of other days, and finds himself reanimated by it, and fortified for the further trials of life, like the pilgrins to the fountain of juu-messeence, or the wrestling. Tind as he regained his mother earth.

I do not pretend to say that such local attachments are always well placed. They are not. They are as sentiments, not reasonings—impressions on the mind, rather than external facts—or, in so far as fact, they are not the result of the action of circumsta

Without power to do good, we cannot do it, and the possession of power is the first and the necessary step to larger social usefulness. The speaker, the writer, the doer—he who propagates thought or passion from the pulpit, the forum, the tribune, the press, or the teacher's chair—he who commands armies, leads aenates, rules cabinets, or administers government—he who invents or discovers—he who conducts great enterprises of commerce or manufactures—to all those it has become apparent that the mind is a light which gives no light unless it may manifest its capabilities in words or acts—unless, it attains a position in which to operate, which constitutes practical power. But with the power to do come the responsibility and the solicitude which attend it—the malice of interests shocked, of aspirations crossed, and of rivalries excited; in a word, the disenchantments of power. We find its advantages and its disadvantages, its allurements and its repulsions so nicely balanced that we take it up with less and less of eagerness, and lay it down with more and more of calmness, at each alternate change in the vicinsitudes of even the most prosperous public career. Such, at least, are my own reflection and observation.

observation.

I will not disturb the confidence of this grateful or

observation.

I will not disturb the confidence of this grateful occasion by discussion of any subject of controversy. Freturn into the State of Massachusetts to resume my place in the ranks, with no resentments to prosecute, no rancors to indulge, no importunate remembrances of injury or disappointment.

It is said that some not over-amiable persons repreach me with want of unbroken continuity of party relation, which is odd enongh, in view of all the chasses crouses steps of party in our day, with few eminently conspicuous public men who have stood in one and the same attitude all their lives.

It is said also that other hypocritical persons impute to me tolerance for men of different shades of opinion regarding the political theories of the moment. Be it so. On the high road of public life are strewn broadcast the miserable fragments of party doctrines, shattered by over-strain, like the dead mules and brokendown wagons in the track of an advancing or retreating army. Theorems of mathematical precision are good in books of geometry, but not in the conduct of great affairs. Men of action are the masters, not the slaves of doctrine. What the world needs, demands, and will have, is more of punctual statesmanship, and less of bigoted exclusiveness of doctrines.

It would be quite easy to illustrate the unreasonableness of this idolatry of party symbols, and the folly of intolerance regarding it, by examples drawn from the current political creeds of the day. I prefer to select examples from the history of obsolete controversies, in which they abound. Thus, the United States Hank was a change in twenty years. Again, the present system of keeping and disbursing

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It is said also that other hypocritical persons impute to me tolerance formen of different shades of opinion regarding the political theories of the moment. Be it so. On the high road of public life are strewn broadcast the miscrable fragments of party doctrines, shatched by over-strain, like the dead mules and broken down wegens in the track of an advancing or retreating army. Theorems of mathematical precision are good in books of geometry, but not in the conduct of a result of the street of the stree

in the State of Massachusetts, at one time, the dominant thought was opposition to associations of men by confidential ergagements, and at another time such associations filled and ruled the Commonwealth. So in the State of New-York, men's minds have scarcely cairced down from zealous advocacy and reionities adeption of a system of stern prohibition and confiscation of all spirituous drinks, when that system is abandoned, and return is made to the old one of licerses and excises, which existed before anything was he and of the peculiar taws of Maine.

I think, if the history of parties in this country were sedulcusly scrutinized, it would be found that the sin, such as it is, of some of those to whom change of opinion is attributed, consists either in that they had not changed so late or not so early as their accuser did, or looking tolerantly on while others changed, had not changed at all themselves, but stood still for the world to come back to them, and the resumed their place in column.

In a word, he, to whom it never bappened to think or know semething to-day which he did not know or think yesterday, must have been born omnisciently infallible, or has not yet advanced from the innecent simplicity and petulant willfullness of infancy. I am not so humble as to admit that my condition is the latter, nor so presumptive as to pretend that it is the former, of the opposite categories.

But let that pass. It is the felicitous condition of the United States to possess a constitution of government which consists of stipulations of compact as the rule of action, not of party platforms nor political degmas. Thus it is that under the protecting shadow of the Constitution thought is free; and opinions rise and fall, and parties come and go, transitory and erratie as meteors or comets in the middle sky, while far above shine fixedly in the steady luster of their gisticus effulgence the bright stars of Union.

We, the people of the United States, have a prodestined fate before us, plain to be seen, according to my thou

ger of God.

I know it is not uncommon for men to speak irreverently on the one hand, or slightingly on the other, of the destinies or the mission of the United States. Let us pause here a few minutes.

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the destinies or the mission of the United States. Let
us pause here a few minutes.

It was my fortune, not many years ago, to traverse
the Pacific Ocean in its widest expanse from the coatinent of Asia to that of America. We launched
forth upon it in our trail bark as Columbus did on the
Atlantic, with nothing save it to speak of man's presence in that great world of sea and of sky. It may
have been that some solitary daring hunter of the seas,
from New-Bedferd or Nantucket, chased the whale in
the distant bays of Kamschatka or the Aleutian
Lelands, or that some Russian coasted along the Straits
of Behring from the Asiatic to the American Siberia;
but otherwise, from the Sandwich Islands beneath the
Tropic of Cancer to the ice-bound foundations of the
polar north, we alone were out on that immense
ocean. No, I forget. There might have been a stray
ship from Bosten or Salem painfully collecting a cargo
of raw hides in San Francisco or San Diego, or another
from our city, with perhaps your present Mayor and
others of your immediate fellow-citizens on beard,
planting our country's standard on the banks of the
Columbia: for, be it remembered, Oregon was originally colonized by men of Newburyport. But no
longer were the great galleons of Spain to be seen
there, transporting the wealth of Mexico to China.
It was a desert waste of water, as if awaiting the
winged messenger of the ark to fly forth upon it, and
seek a new resting place for the feet of another Noah.
While navigating that waste of water—while sailing by its almost uninhabitable shores, the thought
came to me—how should it not?—are all the invallable riches of those vast regions of earth never to
profit man? I let that vast ocean to continue thus barren of use, with no white canvas of the marinor, nosteamship, with its cloud by day and its pillar of fire
by night, to plew the deep and breast the rolling
waves, bearing the freight and wealth of the westers
to the eastern Indies?

Time—an

to fill the great argosies of Genoa and Venice!

Who, in so brief a time, wrought all these wonders?
Was it the work of legions of fabulous giants, marshaled to their stupendous task by the mirasulous charm of the ring of Solomen, such as we read of in the picturesque legends of Arabia? He who saw it as it was ten years ago, and sees it as it is now, might well conceive that nothing short of supernatural power could have produced the marvelous change. It is miraculous, it is supernatural—not the miracle of demon-slaves driven under the lash of some magicias, task master; but the miracle of American courage.

demon-slaves driven under the lash of some magicias taskmaster; but the miracle of American courage, American genius, and American virtue, working out our country's great destinies, under the pre-ordained mpulsion of Almighty God.

It was my fortune, at another time, to stand on the summit of the lofty ridge of land which divides the courses of the Mississippi from those of Lakes Superior, Huron, Eric and Ontario, having on my right hand the waters of that mighty river, which drains, and, as it flews on to the Gulf of Mexico, fertilizes the largest and the richest valley of cultivable land on the face of the earth; and, on my left hand, that unique succes-sion of great rivers and lakes—the river, alternately the earth; and, on my left hand, that unique succession of great rivets and lakes—the river, aiternately expanding into magnificent fresh-water seas, and the seas narrowing again into beautiful rivers; and so, through forest and meadow, and over cataracts and rapids, rolling on with lavish profusion a thousand miles to the far-off Gulf of St. Lawrence. Such was the stand-point of view. Before, behind, all around me, were noble forests of oak and pine and maple and else, earth-born giants of the 'primeval world; and beyond them, stretching far away to the utternost bounds of the horizon, verdant savannahs in all the lavuriance of nature's virginal, unstinted prodigality, sublimely immense as an ocean, lovely as a dream of Paradise. Streamlets and lakes were sparkling amid the trees in the sunlight, like diamonds and sapphires scattered over the rich treeses of some fair maden as she steps in the pride of her beauty and her youth. All that magnificent scene, however, was but a wilderness, where the Indian still reamed at will in his native forests, or peddled his light cance on river and lake; and where the Indian still reamed at will in his native for-ests, or paddled his light cance on river and lake; and where no sign of cultivation, no mark of civilization, was to be seen, save in the glorious banner of the stripes and shars floating over some military station or outpost to be witness to the omnipresent power of the Union.

outpost to be witness to the omnipresent power of the Union.

Here, again, the thought came to me—can it be that all this wealth of land and see is to remain lost to the uses of human greatness and happiness? It half tempted one to impeach the Divine Justice, to reflect that millions and millions of men were at that hour stiffing for want of space in the crowded countries of Europe—"cabined, cribbed, confined;" in narrow lanes, where industry had no field to work in, and ambition was devouring its own heart for want of scope and object; and wives and children were pining away on the crusts of destitution and misery—while here was earth enough to be the seat of imperial dominion, squandered apparently on a hand-